

UNITED STATES DEPARTMENT OF AGRICULTURE MAY 24 11:25

BEFORE THE SECRETARY OF AGRICULTURE

FILED

In re:	)	AWA Docket No. 07-0159
	)	
HORSESHOE CREEK WILDLIFE	)	
FOUNDATION, INC., a Florida non-profit	)	
domestic corporation, and; DARRYL	)	
ATKINSON, an individual,	)	
	)	CONSENT DECISION
Respondents.	)	AND ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondents admit the jurisdictional allegations of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding, to the entry of this decision.

The complainant agrees to the entry of this decision.

#### Findings of Fact

1. Horseshoe Creek Wildlife Foundation, Inc., is a Florida non-profit domestic corporation whose agent for service of process is Darryl Atkinson, 1310 Horseshoe Creek Road, Davenport, Florida 33837.

2. At all times mentioned herein, respondent Horseshoe Creek Wildlife Foundation, Inc., was operating as an exhibitor as that term is defined in the Act and the Regulations, and held Animal Welfare Act license number 58-C-0283, issued to "HORSESHOE CREEK WILDLIFE FOUNDATION INC."

3. Darryl Atkinson is an individual doing business as Horseshoe Creek Wildlife Foundation, Inc., and whose mailing address is 1310 Horseshoe Creek Road, Davenport, Florida 33837. At all times mentioned herein, respondent Atkinson was operating as an exhibitor as that term is defined in the Act and the Regulations.

#### Conclusions

The respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

#### Order

1. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations issued thereunder, and in particular, shall cease and desist from:

- (a) failing to maintain a complete written program of veterinary care that includes regularly scheduled visits by their attending veterinarian;
- (b) failing to use appropriate methods to treat diseases and injuries and to provide emergency care;
- (c) failing, during public exhibition, to handle any animal so that there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers

between the animal and the general viewing public so as to assure the safety of the animals and the public;

- (d) failing to develop, document, and follow an appropriate plan for environment enhancement adequate to promote the psychological well-being of nonhuman primates;
- (e) failing to construct indoor and outdoor housing facilities for animals so that they are structurally sound and maintained in good repair to protect the animals from injury and contain them;
- (f) failing to maintain and make available for inspection complete and accurate records concerning animals in their possession;
- (g) failing to provide a suitable method to rapidly eliminate water and mud from animal enclosures;
- (h) failing to provide animals with potable water in clean receptacles;
- (i) failing to keep premises clean and in good repair; and
- (j) failing to establish and maintain an effective program for the control of insects, ectoparasites, and avian and mammalian pests.

2. Animal Welfare Act license number 58-C-0283 is hereby revoked.

3. Respondent Darryl Atkinson is permanently disqualified from obtaining an

Animal Welfare Act license.

The provisions of this order shall become effective on the first day after service of this decision on the respondents. Copies of this decision shall be served upon the parties.

HORSESHOE CREEK WILDLIFE FOUNDATION, INC.

[REDACTED]  
Respondent

by its Director  
[REDACTED]

Darryl Atkinson

Respondent  
[REDACTED]

Bernadette Juarez  
Attorney for Complainant  
[REDACTED]

Done at Washington, D.C.  
this 24th day of March, 2008

[REDACTED]  
Marc R. Hillson  
Chief Administrative Law Judge